



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

November 17, 2021

OFFICE OF
AIR AND RADIATION

The Honorable Kyrsten Sinema
United States Senate
Washington, D.C. 20510

Dear Senator Sinema:

Thank you for your letter dated October 5, 2021, to the Environmental Protection Agency (EPA) Administrator, Michael S. Regan, regarding EPA's proposed action to rescind the Clean Data Determination for Yuma, Arizona, for the 1987 24-hour national ambient air quality standard for particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers (PM₁₀).

Your letter references EPA's Exceptional Events Rule, which establishes procedures and criteria for identifying and evaluating air quality monitoring data affected by exceptional events and criteria for requesting data exclusion. For a high wind dust event to qualify as a natural event under the Exceptional Events Rule, the state must show that the windblown dust is entirely from natural undisturbed lands in the area or that all anthropogenic sources are reasonably controlled. We encourage the Arizona Department of Environmental Quality to consult with the EPA Region 9 office using the initial notification process outlined in the Exceptional Events Rule to determine whether PM₁₀ monitoring exceedances in the Yuma area have been influenced by exceptional events. Please note that the comment period for this proposed rule (published at 86 FR 29219 on June 1, 2021) was reopened until November 18, 2021. We are including your letter in the docket for this proposed rulemaking.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Karen Thundiyil in EPA's Office of Congressional and Intergovernmental Relations at Thundiyil.Karen@epa.gov or at (202) 564-1142.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Goffman", is written over the typed name and title.

Joseph Goffman
Principal Deputy Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

November 17, 2021

OFFICE OF
AIR AND RADIATION

The Honorable Mark Kelly
United States Senate
Washington, D.C. 20510

Dear Senator Kelly:

Thank you for your letter dated October 5, 2021, to the Environmental Protection Agency (EPA) Administrator, Michael S. Regan, regarding EPA's proposed action to rescind the Clean Data Determination for Yuma, Arizona, for the 1987 24-hour national ambient air quality standard for particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers (PM₁₀).

Your letter references EPA's Exceptional Events Rule, which establishes procedures and criteria for identifying and evaluating air quality monitoring data affected by exceptional events and criteria for requesting data exclusion. For a high wind dust event to qualify as a natural event under the Exceptional Events Rule, the state must show that the windblown dust is entirely from natural undisturbed lands in the area or that all anthropogenic sources are reasonably controlled. We encourage the Arizona Department of Environmental Quality to consult with the EPA Region 9 office using the initial notification process outlined in the Exceptional Events Rule to determine whether PM₁₀ monitoring exceedances in the Yuma area have been influenced by exceptional events. Please note that the comment period for this proposed rule (published at 86 FR 29219 on June 1, 2021) was reopened until November 18, 2021. We are including your letter in the docket for this proposed rulemaking.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Karen Thundiyil in EPA's Office of Congressional and Intergovernmental Relations at Thundiyil.Karen@epa.gov or at (202) 564-1142.

Sincerely,

A handwritten signature in black ink, appearing to read "Joseph Goffman", is written over the word "Sincerely,".

Joseph Goffman
Principal Deputy Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

January 26, 2022

OFFICE OF
AIR AND RADIATION

The Honorable Marsha Blackburn
United States Senate
Washington, D.C. 20510

Dear Senator Blackburn:

Thank you for your letter of October 18, 2021, to U.S. Environmental Protection Administrator Michael Regan expressing concern regarding the unavailability of replacement diesel exhaust fluid (DEF) sensors. Administrator Regan has asked that I respond to you on his behalf.

As you write in your letter, the global shortage of DEF sensors is affecting the work and lives of many Americans, causing hardship for businesses, and affecting transportation. EPA has made this issue a top priority and we are working diligently with manufacturers to support them in providing solutions.

We have approved the proposed software solutions provided to us by the engine manufacturers, and manufacturers have already begun implementing many of them. Although EPA has approved the solutions, each manufacturer has numerous engine families, and each family typically requires a unique software solution. Manufacturers are determining the pace and sequence in which they complete software deployment for each of their engine families.

We are encouraging stakeholders who have been affected to contact their local dealership's service department for information about when a solution for their specific vehicle will be available. If we have additional updates to share in the future, we will post them onto our website page¹ dedicated to this issue.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Thomas Boylan in EPA's Office of Congressional and Intergovernmental Relations at boylan.thomas@epa.gov or (202) 564-1075.

Sincerely,

A handwritten signature in black ink, appearing to read "Joe Goffman", is written over the typed name and title.

Joseph Goffman
Principal Deputy Assistant Administrator

¹ <https://www.epa.gov/recalls/diesel-exhaust-fluid-def-sensor-shortage-updates>



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

December 3, 2021

OFFICE OF
AIR AND RADIATION

The Honorable Alex Padilla
United States Senate
Washington, D.C. 20510

Dear Senator Padilla:

Thank you for your letter dated October 19, 2021, to the Environmental Protection Agency (EPA) Administrator, Michael S. Regan, regarding attainment obligations such as those associated with the 1997 and 2008 8-hour ozone national ambient air quality standards (NAAQS), and area needs regarding nitrogen oxide reductions from mobile sources. Your letter asks that Administrator Regan identify a team of senior EPA leaders to work with the South Coast, San Joaquin, and Bay Area Air Quality Management Districts, as well as the California Air Resources Board (CARB) to address time-sensitive issues regarding Clean Air Act obligations and sanctions.

I appreciate the air quality challenges faced by these areas and share your concerns about reducing pollution from sources needed to reach attainment. Thank you for your request to establish a team to address this important issue. I agree that a coordinated, collaborative federal-state partnership is critical to address these long-standing air pollution problems. To this end, I am directing key leaders in my office, Mr. Karl Simon, Director of the Transportation and Climate Division in the Office of Transportation and Air Quality, and Mr. Scott Mathias, Director of the Air Quality Policy Division in the Office of Air Quality Planning and Standards, to work with leadership in EPA Region 9 to meet with the three Districts and CARB over the next few months. The purpose of these meetings is to develop a common understanding of the area's ozone attainment challenges, potential federal and state solutions, required timelines for achieving compliance with ozone air quality standards, and potential triggers of federal sanctions. Following a report out of those meetings from my team, I look forward to sharing with you next steps regarding how EPA and the state can move forward to ensure attainment and maintenance of the ozone NAAQS.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Karen Thundiyil in EPA's Office of Congressional and Intergovernmental Relations at thundiyil.karen@epa.gov or at (202) 564-1142.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Goffman", is written over the typed name and title.

Joseph Goffman
Principal Deputy Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

October 18, 2021

The Honorable Charles E. Schumer
322 Hart Senate Office Building
United State Senate
Washington, D.C. 20510

Dear Senator Schumer:

Thank you for your letter to U.S. Environmental Protection Agency (EPA) Administrator Michael Regan regarding evaluating the renewal of the Title V Clean Air Act permit issued by the New York State Department of Environmental Conservation (NYSDEC) for the Greenidge Generation LLC (Greenidge) facility located in Dresden, NY. EPA shares your interest in ensuring the best environmental and public health outcomes for New Yorkers, and my staff is evaluating the draft permit renewal, which is currently also available for public comment.

EPA Region 2 will determine whether the draft permit complies with applicable requirements under Title V of the Clean Air Act, its implementing regulations, and the New York Operating Permit Rule. EPA and the public have the opportunity to provide comments on this draft permit before the public comment period ends on November 19, 2021, an extension from the original deadline of October 22. At the conclusion of the public comment period, NYSDEC is required to respond to all comments received, and submit to EPA for a 45-day review a proposed permit that has been revised to address those comments. EPA's 45-day review, authorized under 40 C.F.R. § 70.8(c), gives EPA the opportunity to object to the issuance of any permit found not to be in compliance with applicable requirements. When the proposed permit is submitted to EPA for the mandatory 45-day review, we will evaluate the permit, NYSDEC's response to public comments, and any revisions made to the permit since draft permit issuance. We will determine at that time whether or not there is cause to object.

In addition to these federal requirements, New York State's Climate Leadership and Community Protection Act (CLCPA) requires statewide reduction of greenhouse gas (GHG) emissions from the 1990 level by 40% by 2030 and 85% by 2050. The CLCPA further includes the express goal of reducing 100% of the electricity sector's GHG emissions by 2040. At the request of NYSDEC, Greenidge submitted an analysis to demonstrate that its Title V permit will not interfere with the attainment of the statewide GHG targets of the CLCPA. Although the CLCPA demonstration is a state-only requirement, EPA will review Greenidge's analysis and conclusion and make recommendations to the NYSDEC as part of our comments, as appropriate.

With regards to the cryptocurrency mining operation at Greenidge being reason for concern, the Clean Air Act and its implementing regulations do not identify a cryptocurrency mining operation or a data mining operation, for that matter, as a source category subject to specific regulatory requirements. As such, if a cryptocurrency mining operation relies on electricity supplied by a power plant, only the power plant would be subject to Clean Air Act requirements. The cryptocurrency mining operation is considered a customer of the power plant and would not be subject to any Clean Air Act requirements in that capacity alone. There is currently no air regulation preventing a power plant from selling its

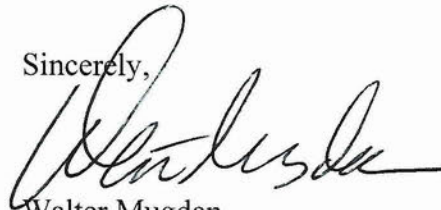
electricity to a single customer. If a cryptocurrency mining facility were to include electric generating units to supply its own power, only the emission sources that emit air pollutants (e.g., combustion turbines, boilers, emergency engines, etc.) would be subject to regulations under the Clean Air Act, and not the cryptocurrency mining operation itself.

Your letter also urged EPA to review Greenidge's Clean Water Act permit. Greenidge has a current Clean Water Act State Pollutant Discharge Elimination System (SPDES) permit from the NYSDEC that expires September 30, 2022. The NYSDEC issued this permit to the facility in 2017 based on previous power generation activities. The current SPDES permit includes a temperature limit of 108 degrees Fahrenheit under a Clean Water Act §316(a) variance that requires ambient temperature monitoring and biological studies. The facility discharges at temperatures well below the limit, which range from 50 to 90 degrees Fahrenheit. The facility is also on a schedule to install improvements to the cooling water intake structure to protect aquatic life under Clean Water Act §316(b). As such, Greenidge is in compliance with the current SPDES permit, and a SPDES renewal application must be submitted to NYSDEC by March 31, 2022. This application must include updated data and information on the discharge and activities at the facility. EPA will work with the NYSDEC on the renewal SPDES permit to ensure that it continues to meet all Clean Water Act requirements for activities at the site.

Protecting the air and water quality in New York, mitigating negative and public health impacts on New Yorkers, and meeting the President's goal of achieving a carbon free power sector by 2035, are of the utmost importance to our office. We are proud to share many of the same environmental goals as our state counterparts.

If you have any additional questions, please do not hesitate to get in touch with me directly at (212) 637-5000, or have your staff contact Sabina Byck, Intergovernmental and Community Affairs Chief, at 212-637-3574 or byck.sabina@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Walter Mugdan', written over a horizontal line.

Walter Mugdan
Acting Regional Administrator

SCOTT H. PETERS
52ND DISTRICT, CALIFORNIA

COMMITTEE ON ENERGY & COMMERCE
SUBCOMMITTEE ON ENERGY

SUBCOMMITTEE ON ENVIRONMENT & CLIMATE CHANGE

SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS

COMMITTEE ON THE BUDGET

JOINT ECONOMIC COMMITTEE

SCOTTPETERS.HOUSE.GOV

Congress of the United States
House of Representatives
Washington, DC 20515

WASHINGTON OFFICE:
1201 LONGWORTH OFFICE BUILDING
WASHINGTON, DC 20515
PHONE: (202) 225-0508

SAN DIEGO OFFICE:
4350 EXECUTIVE DRIVE, SUITE 105
SAN DIEGO, CA 92121
PHONE: (858) 455-5550

December 22, 2021

The Honorable Michael S. Regan
Administrator, U.S. Environmental Protection Agency
1200 Pennsylvania Ave NW
Washington, DC 20460

Docket ID No. EPA-HQ-OAR-2021-0382
Potential Future Regulation Addressing Pyrolysis and Gasification Units

Dear Administrator Regan,

I commend EPA's effort to provide a consistent approach to regulation of pyrolysis and gasification units. In your final rulemaking, I encourage you to 1) not regulate advanced recycling units under Section 129 of the Clean Air Act; and 2) include a specific definition for a "pyrolysis unit" that clarifies pyrolysis used in advanced recycling as a manufacturing process and not as incineration or waste processing.

According to the U.S. Government Accountability Office, plastic waste in the United States has increased tenfold over the last five decades.¹ Our country still lacks viable, long-term solutions to this problem. Currently, less than 9% of plastic waste is recycled and the remainder is either incinerated or deposited in landfills.² If current consumption trends continue, demand for plastics could triple worldwide by 2050.³ We need to ensure our regulations and policies are incentivizing technological innovation to help us solve our plastic pollution problem.

Fortunately, many companies are already pioneering with innovative advanced recycling technologies. These technologies can further EPA's effort to build a circular economy by reducing material use, increasing the number of plastics that can be recycled, and recapturing resources to create new products, rather than relying on more fossil fuels. EPA made clear in its recently released "National Recycling Strategy" that chemical recycling "is part of the scope of [the] strategy and further discussion is welcome", an encouraging development.

Related to your current rulemaking, advanced recycling should not be regulated in the "Other Solid Waste Incinerators" rules or any other Clean Air Act Section 129 regulations because pyrolysis is not a combustion process and the emissions profile from advanced recycling does

¹ GAO Blog: Can Chemical Recycling Reduce Plastic Pollution? <https://tinyurl.com/25d2r8eu>

² Ibid.

³ McKinsey and Company report: How plastics-waste recycling could transform the chemical industry. <https://tinyurl.com/bdfns33k>

not fit within what Congress intended to be regulated under Section 129. Even if EPA decides not to exclude all pyrolysis units from Section 129 regulations, EPA should exclude pyrolysis units located at a plastics recycling unit.

Under this approach, advanced recycling units would be regulated under the Clean Air Act like any other manufacturing facility with similar process heater emissions of criteria pollutants. The facilities would be subject to minor or major source permitting for criteria air pollutants, and if at a major source, subject to Title V permitting. Emissions from these facilities would be typical of a process heater and thus modest with minimal, if any, impact on local air quality.

Innovative solutions are needed to address plastic waste. We must consider the entire lifecycle impacts of relying on the existing, ineffective recycling system to address plastic waste. Advanced recycling has the potential to significantly reduce waste and produce other societal co-benefits including:

- Addressing the climate crisis by reducing our reliance on fossil feeds for plastics;
- Providing an alternate destination for plastics, preventing them from leaking into the environment and leaching microplastics into soil and groundwater;⁴ And,
- Delivering significant economic benefits. Each advanced recycling unit would create high-quality jobs across a range of skill levels and generate profit for new enterprise and tax revenue in communities across the nation.

To maximize these benefits, we need to ensure our regulatory system incentivizes innovation. I encourage EPA to help American entrepreneurs develop solutions to our plastic waste problem by not regulating advanced recycling units under Section 129.

Sincerely,

A handwritten signature in blue ink, appearing to read "Scott Peters", with a stylized, flowing script.

SCOTT H. PETERS
Member of Congress

⁴ UN Environment Program Report: Plastic planet: How tiny plastic particles are polluting our soil.
<https://tinyurl.com/chbxx76d>

United States Senate

October 18, 2021

COMMITTEES:
ARMED SERVICES
COMMERCE, SCIENCE, AND
TRANSPORTATION
JUDICIARY
VETERANS' AFFAIRS

Michael S. Regan
USEPA William Jefferson Clinton Building
1200 Pennsylvania Avenue N.W.
Washington, DC 20004

Dear Administrator Regan,

I write to express concern regarding the unavailability of replacement diesel exhaust fluid (DEF) sensors for American truckers. As you know, the global microchip shortage is causing extreme hardship for trucking companies. I urge the Environmental Protection Agency to redouble its efforts to facilitate and approve a software solution to quell this dire situation. Time is of the essence.

I understand that DEF sensor manufacturers are diligently working on software solutions, which require EPA's approval. It's my understanding that EPA has made this a top priority and will expedite the approval process for the software workarounds. If approved, this would lift a tremendous burden on truckers and motor carriers throughout the country.

Aside from DEF sensors requiring microchips amid the shortage, these sensors "derate" trucks, forcing them to slow to 5 mph. Whether derated by malfunction or actual high DEF levels, no affected truck can be used to haul freight. In addition, the derating of an over-the-road commercial vehicle while under load creates an extremely unsafe situation for the driver, the driving public that shares the road with trucks, the shipper and/or receiver, and the insurance provider responsible for the load.

I appreciate your attention to this important matter. It is paramount that the Environmental Protection Agency resolves this ongoing problem in due time. Please provide a briefing on this request within 30-days of receipt of this letter.

Sincerely,



Marsha Blackburn
United States Senator

HENRY CUELLAR, PH.D.
U.S. HOUSE OF REPRESENTATIVES

October 18, 2021

The Honorable Michael S. Regan
Administrator
U.S Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

The Honorable David Gray
Acting Regional Administrator- Region 6
U.S Environmental Protection Agency
1201 Elm Street, Suite 500
Dallas, Texas 75270

Dear Administrator Regan and Acting Regional Administrator Gray:

I write to express concern regarding ethylene oxide emissions from a commercial sterilizer plant in Laredo, Texas, part of my Congressional District. Midwest Sterilization Corp. ranks as one of the top emitters of ethylene oxide in the country, releasing approximately 16,000 pounds of the chemical annually.

As you know, ethylene oxide (EtO) is a chemical used to manufacture a variety of products. It is also used to sterilize medical equipment. However, it is recognized as a carcinogen that increases the risk of cancer after exposure. Local officials and constituents have expressed strong concerns about ethylene oxide exposure from Midwest to community residents and local schools. I believe that it is critical for the EPA to help address these concerns and respectfully request that the following actions be taken immediately:

1. Hold a community meeting in Laredo as soon as possible to answer questions on your data collection status, and how the EPA will ensure the safety of Laredo residents from this chemical, and assist our South Texas community with the permanent phasing out of these emissions in Laredo;
2. Provide and install air quality monitors around the facility, schools, and neighborhoods, as well as appropriate sites in order to evaluate other potential background levels using the TO-15 air sampling protocol;
3. Include the Laredo facility in the list of 31 commercial sterilizer plants that the EPA has recently asked to submit Toxic Release Inventory (TRI) reports, given its significant volume of emissions; and
4. Issue a stronger rule governing commercial sterilizers, as soon as possible, to help end the health risks that this facility poses to Laredo.

The EPA's 2014 National Air Toxic Assessment (NATA) found census tracts in Laredo that have an elevated cancer risk due to ethylene oxide emissions. However, the EPA has failed to

engage with residents living near Midwest Sterilization Corp. about ethylene oxide risks despite it being listed as one of 25 “high priority” ethylene oxide-emitting facilities by the EPA’s Office of Inspector General.

I believe that it is critical for the EPA to engage with members of the Laredo community on this issue and to provide solutions that help to reduce our exposure to ethylene oxide. I believe a necessary step in the right direction includes increased EPA oversight that includes fenceline monitoring of ethylene oxide facilities in the area.

I look forward to your response and respectfully request a dialogue to discuss next steps on this critical issue. Please contact my staffer, Kevin McGuire, at kevin.mcguire@mail.house.gov or 202-812-0447. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Henry Cuellar". The signature is fluid and cursive, with the first name "Henry" and last name "Cuellar" clearly distinguishable.

Henry Cuellar
Member of Congress
28th District of Texas

CC: Matthew Tejada, Director, Office of Environmental Justice
Joe Goffman, Acting Administrator, Office of Air and Radiation
Mayor Pete Saenz, Laredo, TX
Vanessa Perez, City Council Member District VII, Laredo, TX
Robert Eads, City Manager, Laredo, TX

United States Senate

WASHINGTON, DC 20510

COMMITTEES:
BUDGET
ENVIRONMENT AND PUBLIC WORKS
HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS
JUDICIARY
RULES AND ADMINISTRATION

October 19, 2021

The Honorable Michael Regan
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator Regan,

I write to ask that you designate a team of senior EPA leaders to work with the South Coast, San Joaquin, and Bay Area Air Quality Management Districts, as well as the California Air Resources Board (CARB), to address a time-sensitive issue about which I am deeply concerned: the threat of federal funding being withheld and other sanctions imposed upon the state when the EPA has not met its own obligations to reduce air pollution.

California's Air Quality Districts and CARB have set some of the most stringent air quality regulations in the nation and have worked to pioneer near-zero and zero-emissions vehicles and clean air technologies. However, the Air Quality Districts only have direct regulatory authority over stationary sources, not the mobile sources that are the primary source of continuing air quality issues: interstate heavy-duty trucks, ocean going vessels, locomotives, and aircraft. This is part of why I wrote to President Biden on July 27, 2021 to urge the administration to swiftly revise the nitrogen oxide (NOx) exhaust emission standards for heavy-duty trucks. It is critical that EPA adopt strong regulations aligned as much as possible with California's low-NOx omnibus rule given that federally certified heavy-duty trucks are responsible for over half of the total vehicles miles traveled and the emissions generated by heavy-duty trucks in California. Issuing and implementing this rule expeditiously is critical to advancing environmental justice and to ensuring that California has a strong federal partner in our collective fight to reduce emissions and meet air quality standards under the *Clean Air Act*.

Having EPA set up this team is particularly urgent in light of President Biden's support for keeping the Port of Los Angeles open 24/7. Given the expanded operating hours at the port, additional ships being unloaded, and increased trucking activity, there will inevitably be significant increases in NOx emissions and other air pollutants, which the South Coast Air Quality Management District has no authority to regulate.

As you know, the consequences for not meeting federal air quality standards under the Clean Air Act are significant. For example, with attainment dates for the 1997 and 2008 8-hour Ozone standards quickly approaching in 2023 and 2031, South Coast, in particular, could be facing potentially devastating financial sanctions from the federal government.

I strongly support the Biden Administration's renewed focus on air quality standards. However, it would be nearly impossible at this point for South Coast and California's other major Air Quality Districts to meet federal air quality requirements on their own. For example, South Coast would need to nearly eliminate pollution from all California- and District-regulated stationary, area, and on-road mobile sources and some off-road sources in order to attain the federal ozone standards. This is simply not feasible by 2023.

Given that California's Air Quality Districts cannot feasibly rely on solely their own regulatory authority to reduce emissions enough to meet looming federal air quality standards, I believe it is necessary for EPA to meet with the Districts and CARB to develop a schedule to adopt federal regulatory requirements necessary for the regions to attain federal standards and reduce exposure to toxic air contaminants while addressing the threat of federal sanctions. Indeed, I fear that the mismatch we are seeing in California between local and federal regulatory authority and federal sanctions is just the first such instance, and it will soon become a larger problem in additional communities that will require a broader solution from EPA.

Thank you for your attention to this critical issue, and I look forward to your response.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Alex Padilla', with a stylized, cursive script.

Alex Padilla
United States Senator

United States Senate
WASHINGTON, DC 20510

October 5, 2021

The Honorable Michael S. Regan
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20004

Dear Administrator Regan,

We are writing to inquire about the proposed action of the Environmental Protection Agency (EPA) to rescind the Clean Data Determination for Yuma, Arizona.

Over the past 30 years, the Yuma area has taken steps to reduce Particulate Matter (PM) 10 emissions. Agriculture Best Management Practices have been developed, distributed, and widely adopted by Yuma-area growers because the agriculture industry is essential to the economic vitality of the community. Agriculture is the largest industry in Yuma, providing a \$3.2 billion economic impact to the Arizona economy, and accounting for nearly 25 percent of the jobs in Yuma.

According to the National Ambient Air Quality Standards for Particulate Matter, “an exceptional event is an uncontrollable event caused by natural sources of particulate matter or an event that is not expected to recur at a given location. Inclusion of such a value in the computation of exceedances or averages could result in inappropriate estimates of their respective expected annual values. To reduce the effect of unusual events, more than 3 years of representative data may be used.” An example of an exceptional event is a “Haboob,” an intense sandstorm or dust storm caused by strong winds, where sand and dust are often lofted as high as 5,000 feet. These types of storms are commonplace in Yuma.

The exceptional events exception is meant to help control data between different areas that may vary drastically in climate and weather, and to determine the impact of factors outside of the population’s control.

Upon review of the information submitted by the Arizona Department of Environmental Quality (ADEQ), Yuma’s exceedance of the 24-hour national ambient air quality standard (NAAQS) occurred during high wind events. Other than high wind events, the Yuma Area would not have exceeded PM10 thresholds.

United States Senate
WASHINGTON, DC 20510

Therefore, we respectfully request ask that the EPA review the monitor data from 2018-2020 and determine if any of these high wind events would qualify to develop an Exceptional Events Rule (EER) exemption. Without a Yuma EER for high wind events, the area will continue to exceed the standard due to issues beyond their control. This exemption will also give more accurate data for future consideration. Finally, I ask that you share your findings with the appropriate offices in the State of Arizona, including the Arizona Department of Environmental Quality and the Governor of Arizona.

In accordance with all existing agency rules, regulations, and ethical guidelines, we respectfully ask that you give this proposal full and fair consideration. Thank you for your consideration.

Sincerely,



Kyrsten Sinema
U.S. Senator



Mark Kelly
U.S. Senator



**UNITED STATES ENVIRONMENTAL PROTECTION
AGENCY
REGION 6
1201 ELM STREET, SUITE 500
DALLAS, TEXAS 75270**

Office of the Regional Administrator

November 19, 2021

The Honorable Henry Cuellar
House of Representatives
Washington, DC 20515

Dear Congressman Cuellar:

Thank you for your October 18 letter regarding ethylene oxide emissions from Midwest Sterilization Corporation (MSC), a commercial sterilizer plant in Laredo, Texas. I appreciate you highlighting this concern for us.

Your letter requested that EPA hold a community meeting to address Laredo community concerns regarding ethylene oxide (EtO) emissions. I am glad to update you that we are having discussions with the Rio Grande International Study Center (RGISC) leadership to plan a community meeting.

Also, we have received a letter from the RGISC asking that EPA take actions similar to those you requested in your letter to address community concerns in Laredo. Matt Tejada, Director of EPA's Office of Environmental Justice in Washington, D.C., and our Region 6 Acting Director of the Office of Communities Tribes and Environmental Assessment, Olivia Balandran, met with Tricia Cortez, RGISC Executive Director, Melissa Cigarroa, RGISC President, and Councilmember Vanessa Perez to further discuss their concerns. Both EPA and RGISC agreed to have a follow up meeting to discuss scheduling a community meeting in Laredo.

I would like to offer the opportunity for your office to be engaged with the scheduling of, and participation at, the Laredo community meeting. I have asked Ms. Balandran to coordinate the next planning meetings for us. She will include your office in any planning discussions of a community meeting in Laredo.

You expressed your concern that EPA did not include the MSC in its recent announcement that it is considering requiring 31 facilities to report EtO releases to the TRI. The MSC Laredo facility is already reporting to TRI; therefore, EPA did not include it on this list of additional facilities.

While additional research is underway at EPA to improve our ability to properly monitor for EtO in air, EPA is conducting air dispersion and human health inhalation risk modeling as part of the ongoing national air toxics rulemaking: Ethylene Oxide Emissions Standards for Sterilization Facilities: National Emission Standards for Hazardous Air Pollutants (NESHAP). The community around the MSC Laredo facility is included in this assessment being conducted as part of this national rulemaking.

EPA is currently collecting emissions and emission control data from Midwest Sterilization Corporation facilities and other commercial sterilizers and will use that information to craft a stronger national rule for these facilities. A proposed rule revision to better address public risks from commercial sterilizer ethylene oxide emissions is expected to be published for public comment in 2022.

As I mentioned earlier, we look forward to working with you and RGISC in planning a community meeting with Laredo constituents. If you have any further questions, please feel free to contact Austin Vela, Congressional Liaison, at 214-665-9792 or vela.austin@epa.gov

Sincerely,

A handwritten signature in black ink, appearing to read "David W. Gray". The signature is fluid and cursive, with a large, stylized "D" and "G".

David W. Gray
Acting Regional Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1201 ELM STREET, SUITE 500
DALLAS, TEXAS 75270

Office of the Regional Administrator

December 1, 2021

The Honorable Randy Weber
House of Representatives
107 Cannon House Office Building
Washington, D.C. 20515

Attention: David Horsley

Dear Congressman Weber:

Thank you for your October 19, 2021, letter to the U.S. Environmental Protection Agency (EPA) relaying concerns from your constituent regarding air monitoring and data accuracy in Beaumont, Texas. Your letter addressed to Administrator Regan has been forwarded to me for response because Region 6 covers the Beaumont area. I appreciate you bringing your constituent's concerns to our attention. The health and safety of the community is a priority for EPA. We are always excited to see students engaging in this type of work and to see such detailed analysis. The EPA is glad to help with such work.

Your constituent raised concerns regarding data completeness for the Beaumont Mary and Beaumont Downtown monitors. The Beaumont Mary location has a hydrogen sulfide (H₂S) monitor, and the Beaumont Downtown location has National Ambient Air Quality Standards (NAAQS) monitors. The Beaumont Mary monitor is a Texas Commission on Environmental Quality (TCEQ) funded monitor that is not overseen by EPA. On May 23, 2017, the TCEQ and the EPA entered into a Title VI of the Civil Rights Act of 1964 informal resolution agreement. As part of this Agreement, TCEQ moved a H₂S monitor near the ExxonMobil refinery in Beaumont. The Beaumont Downtown monitor is part of a larger overall network in the Beaumont/Port Arthur area to monitor ambient air quality for criteria pollutants such as ozone, particulate matter, and sulfur dioxide and meteorological data. There are approximately 10 different monitoring locations in the Beaumont/Port Arthur area. These can be located on TCEQ's website at: <https://www.tceq.texas.gov/airquality/monops/sites>.

In 2017, the Beaumont Mary monitor was at the end of a relocation process due to the loss of a lease agreement between the TCEQ and the site owner where the monitor was located at the time, leaving it offline from January through July. This seven-month period would account for the 213-day data loss mentioned in your letter. TCEQ was eventually able to relocate the air monitor. The monitor is now located at 598 Craig Street, Beaumont, Texas at the Beaumont Fire/Rescue Station No. 11. Data for this monitor is available to the public and can be accessed by visiting TCEQ's website at: https://www.tceq.texas.gov/cgi-bin/compliance/monops/daily_summary.pl?cams=1050. In our review, the Beaumont Downtown monitor appears to have missed 8 days of data in September 2017 after Hurricane Harvey.

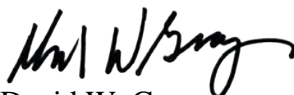
The current minimum requirement for data completeness for NAAQS monitoring data is at least 75% per annual quarter, and the Beaumont Downtown location achieved this level in 2017 and 2018. EPA routinely checks for data completeness on federally required NAAQS data and investigates anything

falling below the completeness level of 75%. This check is done annually at minimum but typically every calendar quarter. The Beaumont Downtown monitor has met these data requirements. Because the Beaumont Mary monitor provides H₂S and not NAAQS data, it is not subject to the 75% data requirement.

Your constituent also expressed concerns regarding the levels of hydrogen sulfide (H₂S) recorded by the two active monitors in Beaumont. EPA takes emissions that affect air quality and human health seriously. EPA does not currently have ambient air quality standards for air toxic pollutants, and H₂S is not listed as a hazardous air pollutant under the Clean Air Act. Therefore, the current air quality standard for H₂S is a state standard. Currently, the state's H₂S limit is 0.08 ppm (parts per million), which may also be stated as 80 ppb (parts per billion). More information on the state ambient standard for H₂S can be found in 30 Texas Administrative Code §112.31. Although individual data may at times exceed the Texas standard, the H₂S yearly averages mentioned by your constituent were 0.68 ppb (2017) and 0.53 ppb (2018), both of which are well below the state limit of 80 ppb. Upon review of data from the Beaumont Mary monitor, the yearly averages and maximum values for 2019-2021 also appear to be well under the state of Texas standards limit.

Thank you for conveying your constituent's concerns regarding the air quality issues impacting the citizens of Beaumont. We always appreciate you bringing such concerns to our attention and keeping us updated on issues that affect the community. If you have any further questions, please feel free to contact Austin Vela, Congressional Liaison, at 214-665-9792 or vela.austin@epa.gov. If Ms. Williams would like to reach out directly with additional questions on ambient air monitoring, she may contact Frances Verhalen, at 214-665-2172 or verhalen.frances@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "David W. Gray".

David W. Gray
Acting Regional Administrator



RANDY WEBER
MEMBER OF CONGRESS
FOURTEENTH DISTRICT, TEXAS

October 19, 2021

The Honorable Michael S. Regan
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

Dear Administrator Regan:

I write to inform you of the issues raised in the quoted communications below from a constituent in my congressional district. Please provide me with an update that adequately responds to the constituent's concerns.

Constituent communication:

"Please allow me to introduce myself, my name is (b) (6). I am a proud resident of the 14th Congressional District in Beaumont, Texas for which you serve as representative. I am a senior at Lamar University currently enrolled in Environmental Justice. As one of your constituents, it has come to my attention that the Beaumont Mary and Beaumont Downtown air monitors malfunctioned in 2017 and 2018 failing to report accurately the levels of chemicals that were emitted by the refineries in our area, one of which is the largest refinery in the United States. As you are well aware, Southeast Texas is home to the largest refinery in the nation. It is imperative that the equipment that is already in place is functioning to report the levels of air pollutants and chemicals that are released. This area is also a hub for transportation of such chemicals by way of the Port of Beaumont providing shipping and railway transport services to the surrounding refineries which are all within a 15 mile radius of each other with numerous sacrifice zones.

Texas Commission on Environmental Quality (TCEQ) data were examined for the only two active air monitors in Beaumont, Texas from 2017-2018. Monthly and yearly values were examined from both monitors for two years, 2017 and 2018 for five consecutive months, August to December for each year. Sulfur dioxide, nitric oxide, nitrogen dioxide, oxides of nitrogen, ozone, and benzene were assessed from the Beaumont Downtown air monitor which is 3.2 miles from the refinery. Hydrogen sulfide was assessed from the Beaumont Mary air monitor which is 1.7 miles from the refinery. The daily release of air pollutants for the months previously stated were assessed, as well as the monthly and yearly values were examined. TCEQ data showing missing air monitoring hours and days were also investigated but no answers for the malfunction provided or missing data found. The hydrogen sulfide level was above the Environmental

Protection Agency limits in 2017 (0.68ppb) and also in 2018 (0.53ppb). Information from the Beaumont Mary monitor indicates that the hydrogen sulfide level for the entire month of August in 2017 and August in 2018 was well above the EPA's limits. There are two air monitors in Beaumont, Texas and both of them had a number of missing days. Highest in 2017 (= 213 missing days) for Beaumont Mary and (68 days) for Beaumont Downtown.

My obvious concern is that there are only two air monitors in Beaumont, Texas. The EPA guidelines for the elderly and children are being exceeded in reference to chemical emissions especially of hydrogen sulfide. With the levels exceeded guidelines there is a health threat. Hydrogen sulfide is harmful and a health risk to children because it inhibits their breathing which can cause asthma. It is equally as harmful to the elderly as it causes headaches, poor memory, tiredness, imbalance, nervous system, respiratory, and cardiovascular issues which are all possible symptoms of Alzheimer's which we found out in our weekly lecture that the chance of dying from Alzheimer's here is higher as compared to anywhere else in Texas and the United States per data from the CDC. This data meets the EPA quality assurance criteria and using professional grade equipment it was validated by the TCEQ.

As the World Health Organization (WHO), Environmental Protection Agency (EPA) and Occupational Safety and Health Administration (OSHA) guidelines have been exceeded the accuracy of chemical pollutants has been compromised as a result of the missing days which equals to uncertainty in just how much more at risk are our communities at risk through the uncertainty of emissions released into the air. I am asking that your office look into the reason why these monitors were missing data for 213 days from the Beaumont Mary monitor which is approximately two thirds of a calendar year and why the other monitor, Beaumont downtown, which is also missing 68 days of data.

I found the following article from your office about the EPA "EPA Has Too Much Authority" — Washington D.C., April 30, 2015 - quote from you online in reference to your assessment of the EPA and its guidelines <https://weber.house.gov/news/documentsingle.aspx?DocumentID=254> . "The Environmental Protection Agency (EPA) has greatly expanded its authority over our economy since 2009, resulting in an increase in regulations that add to an uncertain business climate and chill investment in critical sectors. As Chairman of the Energy Subcommittee and member of the Environment Subcommittee on the House Science, Space and Technology Committee, I have made it my priority to rein in the EPA from promulgating rules and regulations that impede our industry's competitiveness and ultimately hurt hard-working Americans." Albeit this quote encapsulates your sentiments in reference to the EPA, I am asking that your office please investigate this incident and look into the possibility of other missing data to ensure accurate reporting for the safety and well-being of your constituents in the Southeast Texas area, especially children and the elderly. Thank you in advance for your attention to this matter and I look forward to a response from your office."

Please send your response to me at:

U.S. Rep. Randy Weber
Attention: David Horsley
107 Cannon House Office Building

Washington, D.C. 20515

Thank you for your timely attention to this matter.

Sincerely,

A handwritten signature in blue ink that reads "Randy K. Weber". The signature is fluid and cursive, with the first name "Randy" being the most prominent part.

Randy Weber
Member of Congress